S.B. Civil Writ Petition No.1960/06
Rajendra Kumar Berwa Vs. State & Ors.

Date of Order : 24/03/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. S.P. Mathur, for petitioner

Instant petition has been filed against the order dt.7th December, 2005 [Ann.5] whereby the claim of the petitioner for conferment of semi-permanent/permanent status under Rajasthan Mines & Geology Department Workcharged Employees [Service Conditions] Order 1974 has been rejected by the respondents.

The grievance raised by the petitioner, in my opinion, is appealable under the provisions of Rajasthan Civil Services Appellate Tribunal Act, 1976. In view of remedy of appeal available to the petitioner, I am not inclined to invoke extraordinary jurisdiction of this court under Article 226 of the Constitution.

Accordingly, the writ petition stands dismissed.

Counsel submits that the limitation for appeal provided under the Act is of 60 days and that too has expired in view of date of order impugned Ann.5 dt.7th December, 2005. I consider it proper that if any appeal is preferred by the petitioner within a period of 30 days, the same shall be considered to be under limitation and the Tribunal may examine on merits of the dispute in accordance with law.

[Ajay Rastogi],J.

FRB